

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MYRON PHILLIPS,)	CASE NO. 1:06 CV 1814
)	
Petitioner,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
JULIUS WILSON, WARDEN,)	Magistrate Judge James S. Gallas
)	
Respondent.)	<u>ORDER</u>

As set forth in the attached Memorandum Opinion, the Court hereby ADOPTS the Report and Recommendation of Magistrate Judge Gallas (Document #10) in its entirety. Respondent's Motion to Dismiss the Petition (Docket #8) is hereby GRANTED and Petitioner's Petition for Habeas Corpus pursuant to 28 U.S.C. § 2254 is hereby DISMISSED as it is untimely.

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

IT IS SO ORDERED.

s/Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: September 25, 2007